

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

RECEIVED

JAN - 3 2006

HARFORD COUNTY COUNCIL

Case No. 5523

Date Filed 12/28/05

Hearing Date

Receipt

Fee \$ 450

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code

CASE 5523 MAP 48 TYPE Variance

ELECTION DISTRICT 03 LOCATION 908 Mount Soma Court, Fallston, MD

BY Benny C. and L. Jane Walker

Appealed because a variance pursuant to Sec. 267-34C, Table II of the Harford County

Code to encroach the 80' rear yard setback (60' proposed) in the Ag District requires
approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name Benny C. Walker Phone Number 410-836-7759
Address 908 Mt. Soma Ct. Fallston MD 21047
Street Number Street City State Zip Code

Co-Applicant L. Jane Walker Phone Number 410-836-7759
Address Same as Applicant
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 908 Mt. Soma Ct.
Fallston, MD 21047

Subdivision La Vista Manor Lot Number 1

Acreage/Lot Size 2.143 Election District 3 Zoning Ag

Tax Map No. 0048 Grid No. 0003D Parcel 0319 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: Single Family Home

Estimated time required to present case: 5-10 minutes

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

See Attached

Justification

See Attached

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

REQUEST:

To modify existing 2 car garage to living quarters (sitting room, bathroom and bedroom) for aging mother and construct new attached 3 car garages to the existing structure.

JUSTIFICATION:

Due to the uniqueness of our lot it is requested that we be granted a variance from the required 80 foot rear yard setback. Our lot is unique in nature as it subject to two front yard setbacks. The current use is, and will continue to be residential. Our neighborhood is unique in that it is still zoned Agricultural with complete Residential use. If the current zoning was Rural Residential, like that of most of the surrounding communities, we would not be subject to the 80 foot setback requirement and this application would not be necessary. The topography is such that the septic reserve area encompasses the entire front portion of the lot which forced the dwelling to be located to the rear of the lot. As revealed by our site plan, the minimum building setback line was located at a radical angle across the lot due to the topography and the septic reserve area. The design of the house and the location of the existing driveway do not lend itself to locating the proposed addition to the right side of the dwelling. The location of the well to the rear and large septic area to the front of the property limits the addition to where it is proposed on the enclosed site plan.

Our home is one of the smallest in the neighborhood; therefore this addition would enhance the neighborhood and bring it into conformance with the other nine homes on the Court. With the proposed addition, the distance between our home and 906 Mt. Soma would still be in excess of 100 feet and we plan to install landscape screening between the properties to buffer the 20 foot reduction in the rear yard setback. We believe that the proposed variance will not adversely impact the adjacent properties and or the intent of the Code.

Adjoining Property Owners and Neighbors of 908 Mt. Soma Court

Mr. Carl Bauer
906 Mt. Soma Court
Fallston, MD 21047

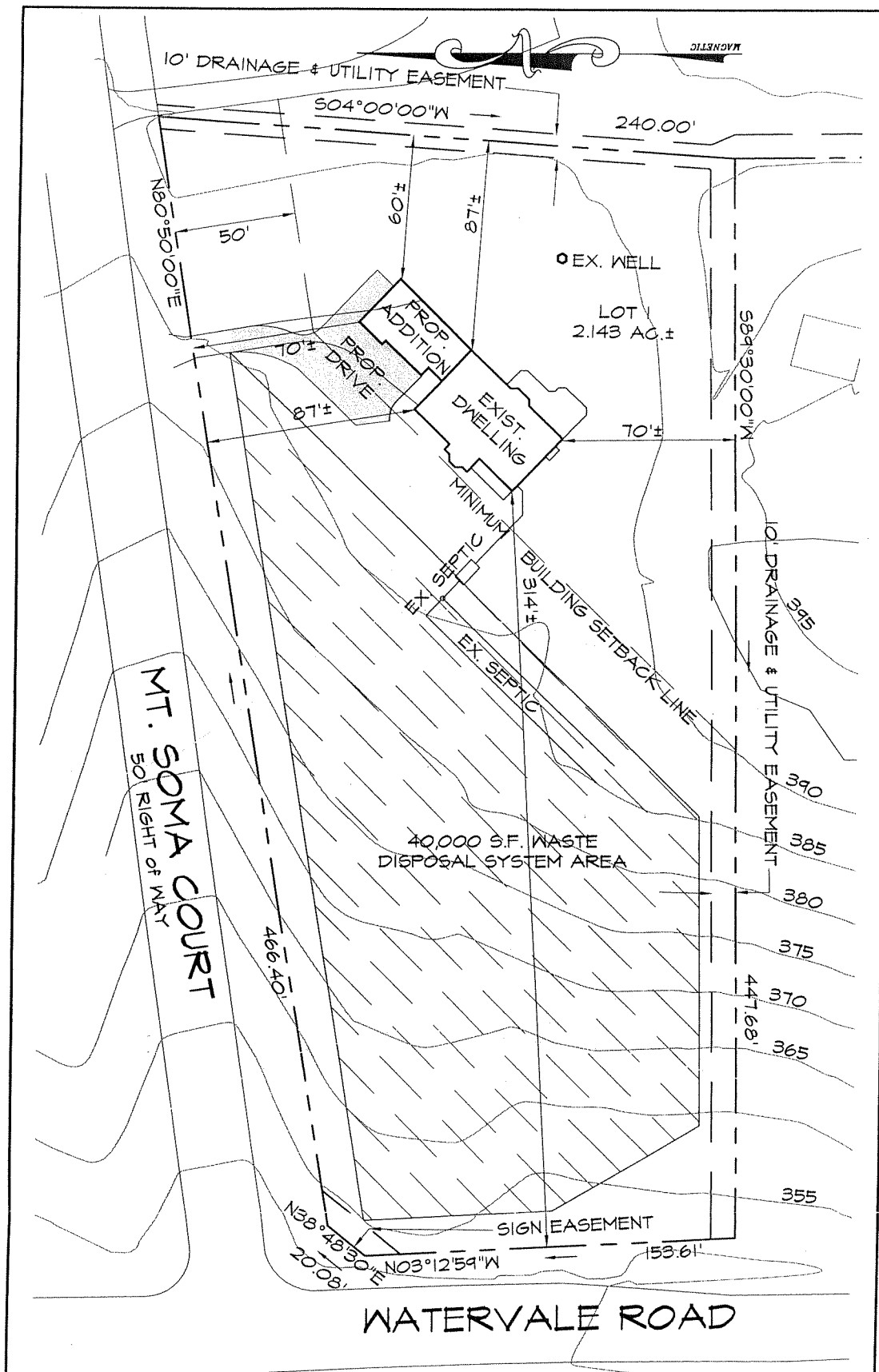
Mr. Stephen Taylor
1525 Watervale Road
Fallston, MD 21047

Mr. and Mrs. Rick Conniff
909 Mt. Soma Court
Fallston, MD 21047

Mr. Theodore V. Welsh, Jr.
907 Mt. Soma Court
Fallston, MD 21047

Mr. Terry Sexton
905 Mt. Soma Court
Fallston, MD 21047

Mr. and Mrs. Bill Davis
903 Mt. Soma Court
Fallston, MD 21047



DATE: 11 NOV 05

SCALE: 1" = 50'

JOB NUMBER: 05174\SP

DRAWN BY:

*Wilson Deegan
& Associates, Inc.*

SURVEYORS * ENGINEERS
2309 Bel Air Road - Suite A
Fallston, Maryland 21047
PHONE: (410) 893-3700/FAX: (410) 871-0700

SITE PLAN
LOT 1 FINAL PLAT
SECTION ONE

LA VISTA MANOR

#908 MT. SOMA COURT
THIRD ELECTION DISTRICT
HARFORD COUNTY, MD.

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DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

February 1, 2006

STAFF REPORT

BOARD OF APPEALS CASE NO. 5523

APPLICANT/OWNER: Benjamin C. Walker
908 Mount Soma Court, Fallston, Maryland 21047

Co-APPLICANT: L. Jane Walker
908 Mount Soma Court, Fallston, Maryland 21047

REPRESENTATIVE: Applicant

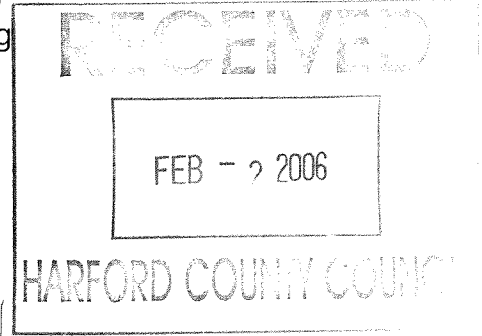
LOCATION: 908 Mount Soma Court/LaVista Manor
Tax Map: 48 / Grid: 3D / Parcel: 319 / Lot: 1
Election District: Three (3)

ACREAGE: 2.143 acres

ZONING: AG/Agricultural

DATE FILED: December 28, 2005

HEARING DATE: February 22, 2006



APPLICANT'S REQUEST and JUSTIFICATION:

See ATTACHMENT 1.

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-34C, Table II of the Harford County Code, to encroach into the 80-foot rear yard setback (60-feet proposed) in the AG/Agricultural District.

Preserving Harford's past; promoting Harford's future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

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Enclosed with the report is a copy of Section 267-34C, Table II of the Harford County Code (Attachment 2).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located outside of the Development Envelope. The lot is a corner lot with frontage on the west side of Watervale Road and the south side on Mount Soma Court. The lot is part of the single-family residential development of LaVista Manor. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 3 and 4).

The predominant land use designations in the area are Agricultural. The Natural Features Map reflects Parks, Sensitive Species Project Review Areas, Agricultural Preservation Districts and Easements and Stream Systems. The subject property is within the Agricultural designation which is defined by the 2004 Master Plan as:

***Agricultural** – Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

Land Use – Existing:

The land uses in the area generally conform to the overall intent of the 2004 Master Plan. The area contains a mix of Agricultural uses and single-family residential communities. Other land uses include Parks and Recreations facilities, the Equestrian Center, a golf course, the Ma and Pa trail, the Fallston School complex, the Fallston library, several churches, and the Fallston Volunteer Fire Department. The topography of the area ranges from rolling to steep especially near the Winter's Run stream valley and its many tributaries. A copy of the topography map and a copy of the aerial photograph are enclosed with the report (Attachments 7 and 8).

The Applicant's property is a long narrow corner lot, rectangular in shape and approximately 2.143 acres in size with frontage on Watervale Road and Mount Soma Court. The topography of the lot is considered gently sloping to steep. Because of the topography, the location of the septic reserve area, and the placement of the well the dwelling was placed to the rear of the lot approximately 314 feet back from Watervale Road and 87-feet back from Mount Soma Court. The improvements consist of a brick and frame 2-story dwelling with an attached two car garage. Other improvements consist of a blacktopped driveway and parking area and a wooden deck off

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of the rear of the dwelling. The property is nicely landscaped and all improvements appear to be well maintained. There are trees lining the Mount Soma Court frontage and a group of evergreens planted along the property line to the rear and right side of the dwelling. The subject dwelling appears to be the smallest dwelling of the 10-houses fronting on Mount Soma Court. Enclosed are site photographs and an enlargement of the aerial photograph (Attachment 9 and 10).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classifications are AG/Agricultural and RR/Rural Residential. The Applicant's property is zoned AG/Agricultural as shown on the enclosed copy of the zoning map (Attachment 11).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-34C, Table II of the Harford County Code, to encroach into the 80-foot rear yard setback (60-feet proposed) in the AG/Agricultural District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The buildable area of the lot is severely reduced due to the required two front yard setbacks, the topography, location of the septic reserve area, and the well. The dwelling was located on an angle due to these constraints. The dwelling appears to be the smallest in the neighborhood and the addition as proposed will be consistent with the other structures in the neighborhood. The addition as proposed will reduce the setback at the closest point to 60-feet. Because of the angle of the dwelling, only approximately 1/3 of the proposed addition will encroach into the rear yard setback (Attachment 12). The addition will still be over 100 feet from the dwelling on the adjoining lot. Because of the distance between the subject dwelling and the dwelling on the adjacent lot the reduced setback will not be easily noticeable. The requested variance will not have an adverse impact on the adjacent properties or the intent of the code.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variance be approved subject to the following conditions:

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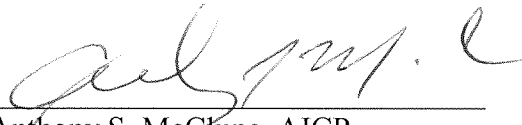
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1. The Applicants shall obtain all necessary permits and inspections for the construction of the addition.
2. The Applicants shall plant evergreen trees across the rear property line. The trees shall be at least 4-foot in height at the time of planting. The applicant shall submit a landscaping plan to the Department of Planning and Zoning for review and approval prior to issuance of any permits.



Shane Grimm

Chief, Site Plans and Permits Review



Anthony S. McClune, AICP

Deputy Director, Planning and Zoning

DJS/ASM/jf